

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AUG 29 2005

ERIK CARTER

Plaintiff,

No. CIV 04-776 JB/LFG

MATTHEW J. DYKMAN
CLERK

vs.

**ARIZONA PUBLIC SERVICE
COMPANY and HARSCO
CORPORATION, d/b/a PATENT
CONSTRUCTION SYSTEMS,**

Defendants,

and

ARIZONA PUBLIC SERVICE COMPANY,

Cross-Claimant/Third Party Plaintiff,

vs.

**HARSCO CORPORATION, d/b/a PATENT
CONSTRUCTION SYSTEMS and RILEY INDUSTRIAL SERVICES, INC.,**

Cross-Defendant and Third-Party Defendant.

**UNOPPOSED MOTION TO
DISMISS CROSS-CLAIM**

The cross-defendant, Harsco Corporation, by and through its counsel of record, Madison, Harbour, Mroz & Brennan, P.A., hereby moves the Court to dismiss the cross-claim against it.

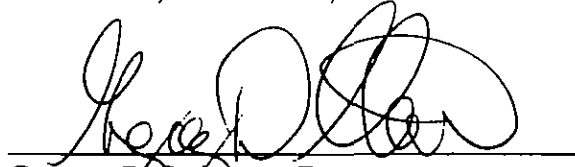
As grounds for this motion, the cross-defendant states:

1. This lawsuit has now been settled in its entirety and a controversy no longer exists between any party to this lawsuit.

2. Counsel for all other parties concur in this motion.

WHEREFORE, Cross-Defendant respectfully request that all cross-claims that were or could have been brought against it in this matter be dismissed with prejudice and that each party to the cross-claim bear its own costs and attorneys fees.

MADISON, HARBOUR, MROZ & BRENNAN, P.A.



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Attorneys for Cross-Defendant Harsco Corporation

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was mailed, postage pre-paid, on this 26th day of August, 2005 to:

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